

PESTICIDE ENFORCEMENT WORK PLAN FOR YUBA COUNTY FY 2006/2007

County Resources

- Yuba County has four licensed biologists devoting approximately 2.22 man years to the Pesticide Enforcement Program which resulted in a total of 4625 licensed man-hours in FY 05/06.
- This department continues to operate under a 20% reduction in licensed field staff which originally occurred in FY 03/04.
- The department will request one additional position which if filled will be assigned 30% of time in PUE. We anticipate significant training will be needed.

A. Restricted Materials Permitting

Permit Evaluation

- Approximately 375 restricted materials permits issued annually.
- Permits are only approved and issued by four licensed and trained staff.
- Permits are approved through verification of having passed a private applicator exam, qualified applicator certification exam or possess an applicators license.
- County administers private applicator certification exam on an individual basis.
- Appointment is required for permit issuance and certification exam
- Testing takes approximately one hour.
- Yuba County uses an AG GIS mapping program to help evaluate environmental concerns for sites identified on permits. Feasible alternatives to restricted pesticides are considered and implemented when appropriate.
- Permits are entered into the RMPP and printed out for signature. When the RMPP program is not operational, the permits are recorded on an approved form (PR ENF-125).
- Permits are issued to operator of property or authorized representative (either an employee or farm management firm), non-ag permits may be issued to PCB
- Letter of authorization required for issuance or signature of someone other than operator of property.
- Permits are valid for one year from date of issuance.
- All agricultural permits are site specific and an aerial photo is provided to the permittee.
- All sites are identified by an alpha-numeric system.
- Homes, adjacent environment and sensitive areas are identified on aerial photos.
- Permit checklist reviewed with permittee at time of issuance:
 - Review past compliance issues or any violation history
 - Review file for use report compliance
 - Assure applicant is a Certified applicator

- Update both aerial photo and computer map, documenting any new sensitive areas
- Review restricted material permit conditions including wellhead protection, groundwater protection and dormant spray conditions, stressing importance of keeping pesticides out of river and no spraying before storms, etc.
- If applicant has employees-review county worker safety form for “Handlers, mixers, loaders, applicators”, training records, PSIS, appropriate inspection forms.
- Schedule headquarters inspection when appropriate.
- Notice of intent log and instructions
- California restricted materials list
- For permit amendments, a notation is made on PR-ENF-125A and both the permittee and a biologist are required to sign and date the amendment.
- Approximately 1050 NOIs are received a year
- 24 hour NOIs are required. In some situations 48 hours are required.
- NOIs are accepted by telephone to the main telephone line, fax, or in person and are monitored between 8 am-5 pm, Mondays -Fridays
- After hours the NOIs are picked up by answering machine. NOIs are picked up by staff on weekends during the busy seasons.
- Licensed staff review NOI log to assure consistency with permit and contains required information
- A permit or Notice of Intent (NOI) is denied or conditioned recognizing and utilizing appropriate mitigation measures.

Strengths

- All staff is licensed in pesticide use enforcement and able to work in all fields of pesticide use enforcement.
- Enforcement actions are reviewed by current licensed staff for uniformity.
- Training sessions and staff meetings are scheduled appropriately.
- Staff experience and knowledge of local conditions helps to reduce substantial adverse environmental impacts.
- Very low level of change in current cropping patterns.
- Issuance of one year permits even for permanent crops allows for regular review of permits, reducing chances for potential adverse impacts
- Due to the cropping patterns and types of restricted materials used, permit conditions are generally standardized.
- Staff attends PUE training provided by DPR.

Weaknesses

- Learning the new AG GIS permit issuance system is very time consuming.
- Ag-urban interface is a continuous problem due to rapid housing growth
- Licensed biologists are assigned specific districts. When they are required to work outside their district they are less familiar with the sensitive issues.

- During peak pesticide use periods and other concurrent program needs, it is difficult to meet all PUE inspection needs.

Corrective Actions

- Assure that the evaluation process for restricted materials permit applications and NOIs is complete and thorough, taking into consideration all aspects of risk assessment through the use of updates and improvements to permit information necessary to make sound determinations on adverse effects.
- Request additional biologist position with PUE license.

Deliverables

- Continue updating all existing restricted material maps with new field digitized GIS sites overlaid with aerial photography to assist in accuracy when evaluating permits for adverse environmental and health effects.
- Review permits that have restricted materials that have not been used in the past and work with permittee to eliminate such pesticides. To be initiated in 2007 permit season and to be completed in two years.
- Do not accept complicated rice NOI's without all the required additional requirements i.e., grower notifications, written recommendations.
- Evaluate all permits for adverse environmental impact.
- Identify problem areas with staff training, timelines and follow-up reviews.
- Submit requests for additional biologist position.

Measure of Success

- Annually evaluate permit process for deficiencies or areas of concern.
- Review all restricted material permit files for the following corrective actions: site specific GIS and aerial photo maps, site identification and any pesticides not used in the past.

Site Monitoring Plan Development

- Approximately 1500 annual sites
- Majority of NOIs are for the following restricted materials/crops:
 - Herbicides for rice, received April – August
 - SLN Manex for walnuts, received March – mid June
 - Herbicides for tree and field crops, received throughout the year
 - Aluminum phosphide and methyl bromide for commodity fumigations
 - Guthion, Sevin, Penncap, Asana for tree crops, dormant and summer spraying
 - Vikane for structural fumigations, approximately 10-15 per year
 - NOIs are reviewed by one of the of four licensed staff
- Sites to evaluate are based on:
 - hazard of pesticide use by crop
 - aerial applications and potential for drift
 - applications near roads, residences and sensitive areas
 - environment condition with respect to cropping and fieldwork patterns
 - local conditions

- worker safety requirements
 - compliance histories
- A minimum of 5% of pre-application site inspections are performed.
- At least one inspection is performed on all nonagricultural permits issued.

Strengths

- Current staff has many years of experience in county with knowledge of local conditions
- Minimal crop changes to adjacent environments of sites to be monitored
- Excellent communication and coordination between four licensed staff and the Assistant Commissioner and Commissioner to consider special situations.
- Knowledgeable office staff work closely with clients

Weaknesses

- Due to past staff reductions, licensed staff are challenged in prioritizing PUE requirements during busy seasons.
- Complex investigations may divert large amount of licensed staff time from planned ERP activities.

Corrective Actions

Assure that site-monitoring plan takes into consideration pesticide hazards such as, but not limited to, agriculture/urban interfaces, ground water protection areas, water quality issues, local conditions such as the rice monitoring program, cropping and fieldwork patterns and compliance history of the handler permittee, and advisor.

Deliverables

- Pre-application site inspections will be performed on a minimum of 5% of the notices of intent. To be initiated for 2007 permit season.
- Create a schedule during busy seasons to assure that all NOI's are reviewed by licensed staff. To be initiated during FY 2006/2007.
- All NOI's are approved or disapproved by license staff.
- All NOI's that are denied shall be followed up with completion of an NOI denial form and counted for on the PRAMR.
- Participate in Water Quality Coalition and Sub-Watershed Coalition.

Measure Success

- Assessing the number of complaints received from agricultural/urban interfaces will help to evaluate needs to address pesticide issues.
- Continuous evaluation of our site-monitoring plan for deficiencies.
- Prior to end-of-year, review PRAMR to determine if the required 5% pre-application site inspections were performed.
- Attendance/representation at Water Quality meetings.

B. Compliance Monitoring

Comprehensive Inspection Plan

- Inspections are performed by four licensed staff.
- Inspections are performed between 8 am-5 pm, Mondays-Fridays. During the busy seasons, this office provides 7 day coverage.
- 100% of Grower Headquarter Safety inspections are scheduled.
- Targeted inspections are prioritized by applicator compliance history and employee worker safety requirements.
- FY 2005/2006 analysis of inspection activities showed a 4 % non-compliance rate for pesticide use monitoring inspections.

Strengths

- An effective targeted inspection plan utilizing the following components:
 - A comprehensive GIS site mapping program
 - An annual permit cycle to update growers on important pesticide issues and changes in laws and regulations.
- Enforcement districts are assigned to biologists allowing them to become ultimately familiar with the pesticide usage and cropping patterns in those areas.
- Increased compliance monitoring activities at sites near areas identified to be environmentally sensitive such as schools, daycare centers, wildlife areas, waterways and sensitive crops.
- High rate of headquarters inspections provides educational opportunities designed to prevent future violations.
- At annual permit issuance, compliance history is reviewed with each permittee.

Weaknesses

- Non-uniform enforcement implementation throughout the county enforcement districts.
- Experience staff accrues vacation time and during busy seasons when demands are high staff must take time off to comply with maximum vacation limits and this reduces man-hour availability.
- Complex investigations which require more than one staff member contribute to the reduction of man-hour availability.
- The new Automated Inspection Reporting System (AIRS) will require a significant amount of man-hours to implement and operate.
- Follow-up inspections are difficult when grower only applies pesticide once or twice during the year.

Corrective Actions

- Assure that compliance monitoring is effective and comprehensive, ensuring the safety of pesticide handlers, fieldworkers, the public, and the environment through the use of an inspection strategy that has a measurable effect on compliance improvement.
- Monitor vacation accruals and schedule vacation time off to minimize impact.

- Conduct periodic meetings to address uniform enforcement.

Deliverables

- Maintain frequency of inspections for headquarters and dealers.
- When multiple violations are discovered during application inspection activities, headquarters inspections will be performed according to DPR Policy.
- Maintain targeted inspections for situations where WHS violations have occurred in the past or have a potential to occur.
- The County will coordinate follow-up headquarters inspections which may be required due to non-compliances noted during an original oversight inspection conducted under the supervision of the DPR-Enforcement Branch Liaison (EBL).
- Enforce laws, regulation and follow the DPR Enforcement Response Policy.

Based on our inspection program evaluation, the following inspection goals are determined:

PRE-APP	5%
MIX & LOAD	
PROP OPERATORS	50
BUSINESSES	30
HDQTRS EMPLOYEE SAFETY	
GROWERS	15
BUSINESSES	1
STRUCTURAL	1
APPLICATION	
GROWERS	57
BUSINESSES	35
STRUCTURAL	
BRANCH 1	1
BRANCH 2	5
COMMODITY	2
FIELD FUMIGATION	1
FIELD WKR SAF	3
BUSINESS RECORDS	
PEST CONTROL	2
DEALER	1
ADVISER	1

Measure of Success

- A decrease in the number of non-compliances found for the 06/07 fiscal year will be a good measure of the effectiveness of our implemented program changes. Midway between and at the end of fiscal year, review PRAMR to determine if there has been a decrease or increase in the number of pesticide use non-compliances.
- At mid-year and at the end of fiscal year, review of non-compliances as a result of targeted inspections.

Investigation Response and Reporting Improvement

- Pesticide-related investigations are conducted by four trained staff:
- Complaints are received by administrative staff and recorded on an in-house form.
- Once received they are forwarded to the Pesticide Enforcement Supervisor in the assigned district. All complaints or incidents that may be related to pesticides receive a response and results are documented on complaint forms or investigative reports.
- All investigation and complaint reports are reviewed and approved by the Assistant Commissioner and the Pesticide Enforcement Supervisor.
- Assure that all priority and non-priority investigations are completed according to DPR Policy and guidelines and that they are accurate, timely and identify violation (if any) and appropriate enforcement action is taken.
- In last two fiscal years there were 6 investigations/complaints

Strengths

- Pesticide Enforcement Supervisor and Assistant Commissioner review and identify program/training needs.
- Routing of the investigation/complaint goes directly to the Pesticide Enforcement Supervisor and review and approval goes directly to the Assistant Commissioner.
- Low number of complaints received by the county allows for ability to respond and complete investigations and reports in a timely manner.
- All licensed staff is kept current with investigative training and procedures.
- Relatively low number of investigations/complaints indicates good grower cooperation.

Weaknesses

- Complex investigations which require more than one staff member contribute to the reduction of man-hour availability.
- Staff report writing skills require improvement.

Corrective Actions

- Prioritize workload regarding investigations and complaints.

- Continue to maintain timely initiation and completion of all priority and non-priority investigations and maintain high quality in investigative thoroughness and report accuracy.
- Staff attends report writing training-when provided and staff is available.

Deliverables

- Implement a State computerized tracking system for investigations and complaints to assure that we capture the following information: Date, tracking number or file name, name of the pesticide involved in the episode, type of episode, location, FAC and/or 3CCR violations found and the date the investigation was closed.
- Assure timely episode investigation initiation, accuracy and completion.
- Attendance at available training programs.

Measure Success

- Review Complaint/Investigation Log to ensure that all episodes are handled according to department and DPR Policy in a timely manner.
- Improved report writing skills-evaluated by Pesticide Enforcement Supervisor and Assistant Commissioner.

C. Enforcement Response

Enforcement Response Evaluation

- Inspections that indicate a non-compliance will be reviewed by the Pesticide Enforcement Supervisor and the Assistant Commissioner.
- PUE staff meetings are held periodically and issues related to PUE staff are reviewed as well as non-compliances that have not previously been reviewed.
- At the staff meeting, the elements of the non-compliance are discussed as well as the past history. This is done as a training tool as well as establishing a direction for the enforcement. The enforcement guidelines (issued jointly by DPR and CACASA) are followed. The decision as to the appropriate action is made by the Assistant Commissioner and the biologist involved in the action.
- Investigations and/or inspections are reviewed to ensure that adequate evidence is present to substantiate any cited violation(s). If the evidence is insufficient to prove the violation, the case is returned to the biologist for further investigation.
- Actions, whether they are compliance or enforcement actions, are prepared by the biologists. They are then reviewed by the Pesticide Enforcement Supervisor and Assistant Commissioner.
- When a civil penalty action is to be proposed, the fine guidelines and hearing procedural guidelines are followed. Generally, proposed actions are prepared by the Assistant Commissioner and reviewed by our DPR liaison for concurrence on violations and fine levels.
- All NOPAs provide respondents with detailed information on alleged violations, proposed fine level, and their right for an opportunity to be heard.

- A Pesticide Enforcement/Compliance Action Summary is prepared for every NOPA.
- Copies of inspection reports with non-compliances are filed in the permittee's file for Biologist to review at time of permit issuance.

Strengths

- All licensed staff are involved in the enforcement process from beginning to end, whenever possible, which is an excellent training tool, resulting in a more uniform and consistent enforcement program.
- Copies of reports and actions with non-compliances are filed in permittee files allowing for review of violator's history at time of permit issuance. This tool is used to prevent repeat violations.
- Use of enforcement actions and fines as a tool to improve compliance

Weaknesses

- During busy seasons, i.e. rice growing season, we do not have sufficient staff to cover all of the county's enforcement needs. In some years we have had complex investigations that take all licensed staff plus DPR and University personnel. This was the case in FY 2005/2006.
- During busy seasons when demands are high, staff earned vacations reduce man-hour availability.

Corrective Actions

- The goal of the enforcement response plan summarized above is to provide a reasonable response in a timely manner. Actions taken in regard to violations must be consistent and fair in order to maintain the respect of the regulated industry as well as maintaining the integrity of the county's pesticide enforcement program.
- Monitor vacation accruals and schedule vacation time off to minimize impact.

Deliverables

- Consideration of all appropriate enforcement options
 - Application of the Enforcement Guidelines.
 - Use of Citable Sections as resource.
 - Application of the Fine Guidelines.
- Timely response
 - Set PUE staff meetings on a regular, or as needed, schedule
 - Oversee support staff to be sure civil penalty actions are sent out promptly after signature of the Commissioner.
- Steps County undertakes to follow through on pending action
 - At beginning of each PUE staff meeting, review actions approved at last meeting to verify that all have been completed and submitted to Assistant Commissioner for review.

Measure of Success

- Mid and end of fiscal year, review of Enforcement Action Tracking File to verify if decrease in repeat non-compliances by violators.
- End of year review of enforcement response to determine if effort was directed at violations that pose the greatest risk to people or the environment.